CP Rs 300/- affixed

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IN THE HON'BLE CHHATTISGARH HIGH COURT AT BILASPUR

W.P. No. 2528 /2001.

Petitioners - (1) SHEIKH ISMAIL S/o SHEIKH BAHADAR aged 60 years, Shop Keeper, Plot No. E14, Indira Market, DURG (C.G.)

(2) ASIF KHAN S/O TAYYAB KHAN, aged 26 years, Shop Keeper Plot No. E-15, Indira Market, DURG (C.G.).

(3) AMIR KHAN aged 45 years, son of Sheikh Bhai,, resident of Takiyapara, Durg, Tahsil and District DURG.

P.R. No. 2525 ... 31/2/01

VERSUS.

Respondents : Municipal Corporation, Through The Commissioner, Municipal Corporation, DURG.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P.No. 2528/2001 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**8/1/2002**

Heard Shri N.L. Shrivastava, learned cousnsel for the petitioners.

The petitioners are in possession of respective plots of lands and they are running shops for the last about 20 years. It is also stated that earnest money has been deposited in respect of those plots of lands of shops. They are also ready to deposit 2% supervision charges. It is contended that if the respondents calculate the actual amount of 2% supervision charges, the petitioners are ready to pay and proceed with construction of their respective shops. According to learned counsel for the petitioners, the respondents are taking steps to evict. It appears that there is no positive step that has been taken so far to evict the petitioners though an apprehension has been expressed at the bar today. Further, I am of the opinion that if eviction becomes necessary, the respondents can do so only by following procedure laid down in this regard. At the same time, in my view, it is for the respondents to consider if the prayer of the writ petitioners that after 2% supervision charges are deposited whether they can be permitted to start the construction. Two courses are now open to the



पार्ट देखें

**आदेश पत्रक ( पुर्वानुबद्ध )**

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respondents. One is to accept the prayer of the writ petitioners to allow them to deposit 2% supervision charges and to construct the respective shops and the other is if eviction otherwise becomes necessary, the petitioners would be given opportunity of being heard. In other words eviction can be carried out only in due process of law by going through all relevant procedures laid down in this regard.

For the reasons stated above, the petition is disposed of.

Certified copy as per rules.

**Sd/-**
**Chief Justice**

RSNR

CRPRJ—FS/Z/ —9/2001—1,00,000